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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/689,061	10/12/2000	Frank P. Derks	PHN 17, 686	8500

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EXAMINER

LAM, DANIEL K

ART UNIT PAPER NUMBER

2667

DATE MAILED: 06/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/689,061

Applicant(s)

DERKS ET AL.

Examiner

Daniel K Lam

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 10-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 10-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 1, 7, 8, 10, and 15** are remain rejected, and **claim 18** (new) is rejected under 35 U.S.C. 102(b) as being anticipated by U. S. Pat. No. 5,550,593 issued to Nakabayashi.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Regarding **claims 1, 7, 8, and 15**, Nakabayashi discloses a communications system, comprising

- A first communication station (as in claim 1), means (as in claim 7), and a method (as in claim 15) for multiplexing one or more original data packets coming from one or more original data streams in a combined data packet in a combined data stream. See fig. 6, reference 59, and col. 7, lines 9 to 19. Furthermore, the combined data packet includes a first header field (as in claims 1, 7, and 8) indicative of a presence of one or more original data packets in the combined data packet. See fig. 8, references 81, 82, and 83, and col. 8, lines 24 to 31.
- A second communication station (as in claim 1), means (as in claim 8) for demultiplexing the one or more original data packets in the combined data packet. And means for receiving one or more original data packets coming from one or more original data

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streams that are multiplexed in a combined data packet in a combined data stream (as in claim 8). See fig. 6, reference 62, and col. 7, lines 20 to 24.

- First channel (as in claim 1) and a method (as in claim 15) for transmitting the combined data packet from the first communication station to the second communication station. See fig. 8, references 84-87.

Regarding **claim 10**, Nakabayashi discloses means for indicating information about a structure of the combined data packet in the combined data stream. See fig. 8, references 81, 82, and 83, and col. 8, lines 24 to 31.

Regarding **claim 18 (new)**, Nakabayashi discloses means for receiving information about a structure of the combined data packet in the combined data stream. Also see fig. 6, reference 62, and col. 7, lines 20 to 24.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claim 2** is remain rejected, and **claim 16 (new)** is rejected under 35 U.S.C. 103(a) as being unpatentable over U. S. Pat. No. 5,550,593 issued to Nakabayashi in view of RFC 1661 written by Simpson et al.

Regarding **claims 2 and 16 (new)**, Nakabayashi discloses limitation regarding claims 1, and 15 in the previous paragraph, however, he does not disclose the communication system further comprises a second channel for transmitting information about a structure of the combined data packet in the combined data stream from the first communication station to the second communication (as in claim 2); nor does he disclose transmitting information about a structure of the combined data packet through a second channel (as in claim 16).

However, Simpson et al. discloses link control protocol for exchanging encapsulation format and configuration parameters information between a first and a second communications stations (see page ii, section 1, Introduction, Link Control Protocol, lines 1 to 9).

Therefore, it would have been obvious to those having ordinary skill in the art to design a communication system that can exchange encapsulation protocol format and configuration parameters automatically between the communication stations so that no operator intervention is needed as taught by Simpson et al. (See page 1, Configuration, lines 2 to 5).

5. **Claims 3-6, and 11-14** are remain rejected, and **new claims 17, 19, and 20** are rejected under 35 U.S.C. 103(a) as being unpatentable over U. S. Pat. No. 5,550,593 issued to Nakabayashi in view of RFC 1889 written by Schulzrinne et al.

Regarding **claims 3, 4, 11 and 12**, Nakabayashi discloses limitation regarding claims 1 and 7 in the previous paragraph, he does not disclose the original data streams are RTP data streams nor the combined data stream is an RTP data stream.

Schulzrinne et al. discloses the usage of RTP for the original and combined data streams. See page 2, section 1, Introduction, first paragraph, lines 7 to 9, and page 50, section 10, RTP over Network and Transport Protocols.

Therefore, it would have been obvious to those having ordinary skill in the art to use the RTP protocol for transporting the original and combined data streams for couple of key reasons. Firstly, RTP provides end-to-end delivery services for data with real-time characteristics, such as interactive audio and video as taught by Schulzrinne. Secondly, it includes many excellent transport features, such as, sequence numbering, time stamping, and delivery monitoring, as taught by Schulzrinne et al. See page 2, section 1, Introduction, first paragraph, lines 1 to 5.

Regarding **claims 5, 13, and 20 (new)**, Schulzrinne et al. further discloses a bit from the first header field indicates a presence of a second header field in the combined data packet. Furthermore, the first and the second header fields are collectively indicative of the presence of the one or more original data packets in the combined data packet. See page 10, extension (X): 1 bit, and page 13, section 5.3.1, RTP Header Extension, first paragraph, lines 1 to 4.

Regarding **claims 6, 14, 17 (new), and 19 (new)**, Schulzrinne et al. further discloses the information about the structure of the combined data packet includes a time indication for each original data stream. See RTP timestamp field on page 22, section 6.3.1, SR: Sender report RTCP packet.

Response to Arguments

6. Regarding the remarks (see page 13, paragraph 4, lines 8-10, and page 14, paragraph 1, lines 1-6) concerning about the combined data packet includes a header field which is arranged for indicating the presence of data packets of the original data streams in the combined data packet.

Nakabayashi discloses, in fig. 8, a header with Audio Data Length (81), Video Data Length (82), Character Data Length (83), and Number Of Packets (84) fields along with Audio Packet (85), Video Packet (86), and Character Packet (87) as the data streams. Furthermore, Audio Data Length (81), Video Data Length (82), and Character Data Length (83) are arranged to indicate the lengths of bits in their respectively data streams, namely, Audio Packet (85), Video Packet (86), and Character Packet (87). The header and the data streams form the combined data stream. The presence of each kind of data is described in terms of the number of bits designated by the respective data's length 81, 82, 83 and is arranged in packet 85, 86, 87. See col. 8, lines 37-40.

Contact Information

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel K. Lam whose telephone number is (703) 305-8605. The examiner can normally be reached on Monday-Friday from 8:30 AM to 4:30 PM.

If attempt to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on (703) 305-4378. The fax phone number for this Group is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status Information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

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Should you have questions on access to the Private PAIR system, contact the
Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DKL *dkl*
June 25, 2004


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SUPERVISORY PATENT EXAMINER
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